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UNITED STATES DEPARTMENT OF JUSTICE

Office of the United States Trustee

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Attorneys for the Acting United States Trustee

SARA L. KISTLER

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company
06-10725 -- Lead Case

USA Capital Realty Advisors, LLC
06-10726

USA Capital Diversified Trust Deed Fund, LLC
06-10727

USA Capital First Trust Deed Fund, LLC
06-10728

USA Securities, LLC
06-10729 Debtors.

Jointly Administered

Chapter 11 Cases

Judge **Linda B. Rieggle** Presiding

Date: N/A

Time: N/A

Affecting:

☐ All Cases

or Only:

☐ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☒ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**NOTICE OF AMENDMENTS TO APPOINTMENT OF OFFICIAL
COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL
DIVERSIFIED TRUST DEED FUND, LLC**

To the Honorable **LINDA B. RIEGLE**, United States Bankruptcy Judge:

Pursuant to 11 U.S.C. §§ 1102(a)(1) and (b) (2), the United States Trustee provides Notice of Amendments to the Appointment of Official Committee of Equity Security Holders filed in the case of In re USA Capital Diversified Trust Deed Fund, LLC, Chapter 11 Case No. 06-10727, and states:

1 1. On May 10, 2006, the United States Trustee filed its Notice of Appointment of
2 Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund,
3 LLC [Docket No. 203].

4 2. Each of the individuals identified in the Notice of Appointment had submitted a
5 written response to a solicitation from the United States Trustee confirming that they held an
6 equity security interest in USA Capital Diversified Trust Deed Fund, LLC, and were willing to
7 serve as a committee member.

8 3. Subsequent to the filing of the Notice of Appointment:

- 9 a. Committee member Maryan Rutar declined her appointment;
10 b. Committee member Robert H. Mansfield informed the United States
11 Trustee of his resignation from service on the Committee; and
12 c. Committee member The Gannaway Charitable Remainder Trust informed
13 the United States Trustee of its resignation from service on the
 Committee, and filed its Notice of Resignation with the Clerk of Court on
 May 25, 2006.

14 4. It is necessary to amend the Notice of Appointment filed by the United States
15 Trustee on May 10, 2006 to designate appropriate replacements for the Committee members
16 identified in the preceding paragraph. Such an amendment will ensure that the Official
17 Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC
18 remains representative of the parties holding equity security interests in USA Capital Diversified
19 Trust Deed Fund, LLC, in a manner consistent with the provisions of 11 U.S.C. § 1102(b)(2).
20 *See generally, In re America West Airlines*, 142 B.R. 901 (Bankr. D. Ariz. 1992).

21 5. The Notice of Appointment filed by the United States Trustee on May 10, 2006,
22 is therefore amended as follows:

- 23 a. By removing Maryan Rutar, Robert H. Mansfield and The Gannaway
24 Charitable Remainder Trust from the Committee membership roster; and
25 b. By adding the following individuals, who are fairly chosen, who are
26 representative of the parties holding equity security interests in USA
27 Capital Diversified Trust Deed Fund, LLC, and are willing to serve, as
28 Committee members in their stead:

i. Jerry T. McGimsey

Address: 3115 South El Camino Road
Las Vegas, NV 89146
Telephone: (702) 871-0296
Telefax: None provided
Email: jtmacg@earthlink.net

ii. Robert Hardy

Address: 6510 Ansonia Court
Las Vegas, NV 89118-1874
Telephone: (702) 786-7408
Telefax: None provided
Email: None provided

iii. Frank Weinman

Address: 2947 Pinehurst Drive
Las Vegas, NV 89109
Telephone: (702) 735-1509
Telefax: (702) 735-1509
Email: FW6279@AOL.com

Dated: June 1, 2006

Respectfully submitted,

SARA L. KISTLER
ACTING UNITED STATES TRUSTEE
REGION 17

By: /s/ August B. Landis
August B. Landis, Assistant United States Trustee
United States Department of Justice

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this date I served this Notice of Amendments to Appointment of Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC:

1. Electronically upon all counsel and parties in interest on the CM/ECF service list as of June 1, 2006; and
2. By depositing an envelope in the United States Mail, first class postage fully prepaid and addressed to each of the parties listed below, each of which contained a true and correct copy of this Notice of Amendments to Appointment of Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC:

Annette W. Jarvis
P.O. Box 45385
36 South State Street, #1400
Salt Lake City, UT 84145-0385

Nicholas J. Santoro
400 South Fourth Street, 3rd Floor
Las Vegas, NV 89101

Gregory J. Walch
400 South Fourth Street, 3rd Floor
Las Vegas, NV 89101

Peter Susi
Michaelson, Susi & Michaelson
7th West Figueroa Street, 2nd Floor
Santa Barbara, CA 93101

Dated: June 1, 2006

OFFICE OF THE UNITED STATES TRUSTEE

SARA L. KISTLER
ACTING UNITED STATES TRUSTEE
REGION 17

By: /s/ August B. Landis
August B. Landis
Assistant United States Trustee
Las Vegas, Nevada

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